

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

September 25, 2013

Chairman Michele Camerota called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner Stanley Sobieski
Commissioner Audra Ekstrom-A
Commissioner Kenneth Leggo-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

Commissioner Ekstrom was seated for the seat formerly held by Chairman Pruett.

II. APPROVAL OF AGENDA

Chairman Camerota: Are there any changes to the agenda.

Craig Minor: Yes Madam Chairman, they are physically on the revised agenda in front of you, but we do have to add them to New Business, C and D. Petition 53-13, Site Plan Modification Jade Jeans at 363 Alumni Road, Newington 2002 LLC owner/applicant, Joseph Perugini, 272 Dividend Road, Rocky Hill, contact, and Item D, Petition 54-13 Transfer of Special Exception 32-8, Restaurant Liquor Service at 1052 Main Street (rear) Salvatore Motta, owner/applicant.

Chairman Camerota: Do any of the Commissioners have questions, comments? Can I have a motion to add items C and D to New Business.

Commissioner Sobieski moved to add items C and D to New Business. The motion was seconded by Commissioner Hall. The vote was unanimously in favor of the motion, with six voting YES.

III. PUBLIC HEARING:

- A. Petition 44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton, CT contact. Continued from September 11, 2013.**

Jim Swift, 102 Village Drive, Shelton, CT: Good evening, my name is Jim Swift, a professional engineer and landscape architect. To refresh the Commission's memory, this is a continuation from last month, where we presented the application to expand our facility, non-visible from the street and in compliance with all of the regulations. During the time that we had since the last meeting, we did meet with our neighbors on the north property line here. As the Commissioners may recall, they spoke at the last meeting. There were a few issues, one was the issue of trash pickup and the times that it was occurring, and it was very inconvenient very early in the morning. We contacted our trash company and we have a commitment from them that they will now not pick up trash until after 8:00 a.m. in the morning. The trash area is located in this part of the site, there was some discussion of moving that, but the areas that we could move it to are pretty limited, we could move it only about thirty feet which is probably not effective to any great extent, and the neighbors, who are here tonight, don't seem to have an issue with where it is, I think it was the issue of when the pickup was that was the main issue.

Second issue was whether the original application proposed a landscaped berm of some sort of buffering in this area. I couldn't find any in the old records. I think Craig will have something to say about that as well, but, to make a long story short on that issue, the adjoining don't really, I don't think, and again, they are here and will be able to speak for themselves, find any need for that. A lot of vegetation would need to come out, the buffer would have to go in, even if it was called for in the original plans, it would seem to be a lot more disturbance and annoyance to the neighbors than it would be worth. What we did talk to the neighbors about was installing a fence from the point of this house to about mid-way on this garage, and their primary issue on that is that this parking space area in here was in view and they wanted to hide that from their view. We agreed that we would build such a fence. I think that is all that I have to report, I don't know how the Chair would like to get input from the neighbors at this point.

Chairman Camerota: We'll hear from the Town Planners first, then the Commissioners, and then the public. Craig?

Craig Minor: I can confirm that there was no landscaping berm required previously, and if the neighbor would like you to put up a fence, that's fine, but I think it's getting kind of conflated with a different problem and that's that the neighbors are complaining that there is parking, and let me point to it, there is parking taking place along this side of the driveway where it's not supposed to be. There is designated parking along here, and that's fine, in fact, they are even striped, but nobody would be parking here, so there shouldn't be an aesthetic problem with the neighbors about cars parking here because those cars shouldn't be there anyway. That's an issue that we will maybe address again later, but there shouldn't be any parking there anyway. Let me leave it at that, and, did you finish your presentation?

Jim Swift: Yes.

Craig Minor: Well then, the only other issue that, trash pick-up we talked about, oh, parking spaces on the side of the driveway, this is the site plan that is on file in our office. It's not signed by the Chairman, so I can't say that this plan was approved by P and Z, but I think it was, because as I mentioned in my report, there is a letter from my predecessor to the applicant that refers to a plan in the file that shows parking, that plan is not in the file. That sketch is not in the file, but I'm pretty sure that these seven spaces were approved by the Commission, but parking back here was definitely never approved by the Commission.

Commissioner Aieta: This plan that you are showing us, this cannot be an original from the original building because it shows the addition on it, so, it wouldn't have been signed by anybody because this is the drawing that they are bringing in now.

Craig Minor: You're right. I copied the wrong map. I do have a plan on file, and that shows the seven spaces, but I copied the wrong one to demonstrate it.

Chairman Camerota: Commissioner questions or comments?

Commissioner Aieta: I would like to reserve my comments until I hear what the public has to say, particularly the neighbors.

Chairman Camerota: Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak in favor? Anyone from the public wishing to speak against this petition?

Laurie Dubowski, 2107 Main Street, Newington: I'm not here to speak against this petition, I just want to say that we did agree that they are not going to move the dumpsters, and they are not going to pick up trash between 2:00 and 5:30, that they have been scheduled in the past, but the fence is another issue. They were going to put it on either their property or my property, and I found out that if you put it on my property I have to pay taxes, so I don't want it on my property. Costs too much money. I would like the fence to block the legal parking spaces. Right now they park around that whole circle, every day. I didn't take pictures, but they do, because I go out and look, I can see them. How are they going to prevent them from parking in those spaces, that's my question?

Chairman Camerota: Thank you. Anyone else from the public wishing to speak against this petition. Seeing none, any Commissioner comments based on what you just heard.

Commissioner Aieta: Sounds like they don't have enough parking for the amount of employees if they are parking all the way around that, the loop road. So I don't know how we figured the number of parking for the facility. Shouldn't it be based on the number of employees and then some for visitors and, I don't know if the people who live there have vehicles, or not....

Chairman Camerota: I think we heard the last time from the petitioner that only a couple of people have vehicles. Any other Commission comments?

Commissioner Sobieski: Maybe what they could do is put, post No Parking around that area, some type of signs that look aesthetically pleasing for that area and it would be up to the owners to maintain and enforce.

Chairman Camerota: Are you aware, are people parking there because there aren't enough spaces, or are they parking there because it is more convenient, and they don't want to park in spaces.....

Jim Swift: I think what happens in facilities like this it gets caught up in shift changes. That's when things get strange, but we fully recognize that we have an obligation not to park in areas where we don't have permits to park. There's two ways that occurred to me to address that. We did have that meeting in the field, Kathy Braga is basically the supervisor, runs the whole place, and she's going to start policing that. She's going to go out there and have people physically actually move their cars. We would agree both to fire lane striping and No Parking signs. We have no objection to either being a condition of approval.

I drove by again tonight, and as a case with a lot of new facilities, the Bonefish Grill just seems to be the hot place right now. I was astounded that when I went by there tonight, on a Wednesday, there isn't a parking space to be had at that restaurant, so they do sneak onto our property, but we do commit to and accept conditions of approval for No Parking signs, fire

lane striping, and a mandatory policing, making sure that no one will park there. Further, Laurie's comment about the fence and the location of the fence, we don't have any objection to a condition of approval along the lines that a fence will be placed on the applicant's property from beginning to end of the permitted parking spaces along the driveway, we have no objection to that. That location of the fence can be located in the field. We did have a meeting, we're talking about right in here.....so the fence would go, there's a house right about here, and then there's a yard, a deck right about there. The fence, to block sufficiently, this is probably not quite the right location, is probably about from here to here and then we will locate it on the ajoiner's property. We agree and we will accept the determination that the fence should be on our property. Where it will be precisely can be located in the field to the satisfaction of Ed and Laurie, the ajointers, but to cover all eventualities that it should cover the entire area of the parallel parking spaces. Correct me if I'm wrong, but that's the objection, that's the point of this fence, so stem to stern it will cover those parking spaces, and just to clarify, just to make the sure the record is clear on the parking issue, the parking count, the testimony, and I'll repeat it just briefly, right now I believe we have two residents that have automobiles, that's it, two, and there is going to be no increase in staff for these additional units. The staff that is there now is sufficient to cover service and those additional units.

Chairman Camerota: And how many staff people per shift are there?

Jim Swift: I think you've got me on that.

Chairman Camerota: When you come back for the site plan, if you could get that information and give it to us, that would be great.

Chairman Camerota: Any other Commissioner comments? Questions?

Jim Swift: And we did hope, if it's possible, if this pleases the Commission, to consider adding this to Old Business tonight for a decision, if it's possible. Thank you.

Chairman Camerota: Thank you. What's the pleasure of the Commission? I don't see any reason to keep it open any longer. I think there is too much here to move it to Old Business for tonight. It will be Old Business for next time.

Commissioner Aieta: That will give us time to perfect the motions.

Chairman Camerota: Yes, and consider any issues that we heard tonight.

B. Petition 51-13: Special Exception (Section 3.2.9: Child Care) at 82 Candlewyck Drive, Agnieszka Haim, 82 Candlewyck Drive, Newington, CT owner/applicant/contact. Continued from September 11, 2013.

Chairman Camerota: Is the petitioner here? Come on up.

Catherine Maternowski, 344 Connecticut Avenue, Newington: My name is Catherine Maternowski and I'm speaking on behalf of Aga Haim. Some of the concerns that were raised were about traffic and safety and noise. First safety, parents dropping off their children can pull directly into the driveway on Candlewyck Drive. Parents will not be arriving at the same time and the driveway can fit up to four cars. The maximum number of cars would be six as Aga will only be licensed for six children. The concern regarding the street not being plowed in the winter is not an issue, because if there is that much snow, she will be closed. In addition, her husband is a professional property manager and has equipment to plow if

necessary, and the driveway will always be plowed around the side of the house adjacent to Salem Drive, if the town doesn't get to it in a timely manner. The few cars that will be coming in the morning and in the afternoon to the home should not pose a safety risk to anyone. Parents will be using great caution when they are transporting their children. For traffic, there will not be any noticeable difference in the amount of traffic on Candlewyck and Salem Drive. Children will arrive at staggered times both in the morning and at pick up times, also the maximum amount of families that will be using Aga's service is six. There could easily be families with two children which would decrease the amount of cars on a daily basis. Originally parking was to be on Salem Drive but after review of this decision, parking will be in her driveway only. The noise created by children playing outdoors during the two scheduled times per day would not be any different than a family that has several children of their own. Most families in the neighborhood will be at work during the outdoor play time. Care will not be provided on nights or weekends. Thank you.

Chairman Camerota: Craig?

Craig Minor: Mrs. Haim submitted a sketch the other day which was not in your agenda package, so it is on the table in front of you. It shows, one of the concerns that the Commission had at the last meeting was how would families get there, well, she just said that they are not going to park on Salem Drive, but she did mention that there is an existing sidewalk around the house, and she was going to propose that she was going to build a sidewalk from Salem Drive to the existing sidewalk, but I guess that's not necessary any more since all of the parents are going to use just the driveway to park.

Chairman Camerota: Just for the record, she said she is no longer going to use the walkway going to Salem Drive. Just want to make sure it is clear.

Craig Minor: I don't have any other new information for the Commission.

Chairman Camerota: Okay. Commissioner comments or questions? Okay. If you will have a seat, we will have the public comment, and then you will have a chance to rebut. Anyone from the public here tonight wishing to speak in favor of this petition?

Beth DeMay, 56 Salem Drive: I'm on the adjacent street. I just wanted to say that initially when you hear that a day care is going to open up on your street you would think, maybe this is going to be a little busy, maybe it's going to be a little crazy, but after just taking five minutes to talk to Aga, she assured us that there is only going to be six children, and she is going to use her own driveway, and as a mother of two very noisy children, and there is only two of them, noise is going to be the same I just want to say, as a typical family that has four, maybe five children. I just wanted to show some support for her, because I think that the plan that she has is limited, and she has control, and as a parent who takes her kids to day care, for years, we all arrive at different times and pick up at different times, so the traffic will really not be an issue. Thank you.

Chairman Camerota: Thank you. Is there any one else from the public wishing to speak in favor of this petition?

Catherine Bixby: Hi, my name is Catherine Bixby and I brought a letter from my mother....

Chairman Camerota: Would you give us your address?

Catherine Bixby: We're at 71 Candlewyck Drive so just about right across the street. So basically I hope that the day care is allowed to be put in our neighborhood, I've lived at 71

Candlewyck Drive since 1995. I have two daughters, one, grown up, which is me, and my youngest who is twelve. I think our neighborhood is perfect for a day care provider. We have always been blessed with wonderful neighbors of all ages, although most of my immediate neighbors don't have young children, they have always been wonderful to my girls. I am actually shocked that anyone would object to the sounds of children in the neighborhood. I have met with Mrs. Kaim and have spoken with her and her two daughters several times. Her children are sweet, polite young ladies. I wish that there had been someone like Mrs. Kaim in our neighborhood ten years ago.

Chairman Camerota: And whose letter is that?

Catherine Bixby: It's my mother's. It's her house, right across the street. She couldn't be here, she had another obligation.

Chairman Camerota: Would you just give her name for the record?

Catherine Bixby: Carol Bixby.

Chairman Camerota: Thank you. Is there anyone else from the public wishing to speak in favor of this petition?

Alan Avery: I'm Alan Avery, I live at 70 Candlewyck Drive with my wife Michelle and I'm here tonight to support the efforts of our neighbor to open a home daycare business on Candlewyck Drive. Our daughter is a Newington resident who works in the town. When she sought day care in Newington for her son, she was unable to find a home daycare facility in Newington that had a vacancy. She now has to drive her son to Wethersfield while she waits for an opening somewhere in Newington. We believe that quality, licensed home day care is needed in Newington, to support our working families. We live two houses away from the proposed day care home and we do not see this proposed zone change as having any negative effect on our neighborhood. We ask the Commission to approve it. Thank you.

Chairman Camerota: Thank you.

Patricia Gallichio, 76 Candlewyck Drive: My husband and I are both for it. We did have a concern about the traffic, and I think I'm still a little concerned about that because of being right next door, and, not for our sake so much, but for theirs. I really don't see any reason not to have it. I think they will do a really good job. They seem like very nice neighbors, and in all fairness to them, they have only been here a couple of months, so there are some of these things that they might not be aware of, but I think you should give them a chance. I think it's a very nice thing to have some small children in the neighborhood.

Chairman Camerota: Thank you. Anyone else from the public wishing to speak in favor of this petition?

John Codino, 83 Candlewyck Drive: Good evening. I live at 83 Candlewyck Drive, directly across the street from 82 Candlewyck, and I am in favor of this proposed day care center going in. The rumors that I heard about traffic concerns, I moved into 83 Candlewyck Drive in 1970 with my parents. At that point in time Candlewyck Drive ended basically at Franklin Circle and since then, in those years, Candlewyck Drive has been extended approximately half a mile, Coachman Lane has been added, up to Stage Coach and approximately sixty homes were added, so as far as traffic goes, Candlewyck Drive has become a more trafficked street. I do not see any issues with this. If there is a safety concern I would like to probably pursue with those that are interested in placing a stop sign at the intersection of

Salem Drive and Candlewyck Drive. That would make it a three way stop, and I think that may be something long overdue. The town added a stop sign at the intersection of Lamplighter and Candlewyck a number of years ago, it helped with the traffic situation, but it has not slowed the cars down that come down from Franklin Circle area, down Candlewyck, so if there is a safety concern with the good people that are going to be using the day care center, and the neighbors, that is probably something that should be looked into, and living at that particular address, and having a business there also, since 1983, a small business owner and operator, I can say that is probably an issue that can be looked into. Again, I am for the creation of another small business. It's a good family and they are good neighbors and residents of Newington.

Chairman Camerota: Thank you. Is there anyone else wishing to speak in favor of this petition?

Inva Mitchell: Good evening, I live at 42 Salem Drive and I would just like to speak in favor of the family day care that Aga is looking to open and receive licensing for. I've had the good fortune of knowing Aga for over a year now, as she teaches at Kidco, and my son is a student at Kidco in the pre-school, and I was thrilled for two reasons, one, to find out that she was going to be in my immediate neighborhood, and two, that she planned to open a family daycare because I also have an infant, and I have only been in the neighborhood for approximately six months, so it was really exciting to know that there was going to be a new business in the area, and I, along with Aga are only one of three young families that have moved into the neighborhood in the last two years. Similar to, back to my neighbor, you know, we have young, bringing up young families, it's really nice to know that there will be other young children and families in the area, so as far as supporting the business initiative for the Town of Newington and for supporting Aga, I would be very happy to see the day care opening on the street.

Chairman Camerota: Is there anyone else wishing to speak in favor of this petition? Is there anyone wishing to speak against this petition? Come forward.

Daniel Krutt: Good evening, my name is Daniel Krutt and I reside at 16 Salem Drive with my wife Susan and since the withdrawal of some of the issues was the entryway through Salem, some of the pictures will no longer be relevant. I was just trying to show with the pictures that the stop sign does come into play with where the gate was but I do want to draw attention to the property being adjacent and we're the ones who have the most to, basically have to deal with noise issues and, understand, I do not have any problem with children. We have two older boys now, but they were younger boys, but a fence was discussed and, something I didn't know, based on what was just said, if it is on your property it is taxable, so I would be hoping that the fence would be on their property. But they did discuss putting a fence in, and that would be something that I would be in favor of. As to some of the traffic issue has been removed, I'm not in favor, but it is a business and I do like the flavor of a residential neighborhood being a residential neighborhood. My basic premise at this point will be to do what needs to be done for our property value and our property, and hopefully the fence will assist us if this does move forward and will be enough for someone who purchases my property to be satisfied, so that is what I'm thinking of at this point in the juncture.

Chairman Camerota: Okay, thank you Mr. Krutt.

Daniel Krutt: Thank you.

Chairman Camerota: You're welcome. Is there anyone else who wishes to speak against this petition?

Elisa Nahas, 29 Salem Drive, Newington: This is obviously news that the Salem Drive entrance and exit is moving, which is a big improvement, so a lot of what I was going to say is not relevant. I would like to comment on is, every time I've driven by, the driveway has two to three cars, it is on a slope. I would also comment when they are leaving would back up onto Candlewyck which, anyone who has lived there for as long as we have, knows that it is not easy to do, so I have to comment on that. I did try to research the records on line for the Commission to determine the Commission's past precedent for conditions for residential which had been denied and granted special uses exceptions in the past, and I didn't really find much except the recent Willard Avenue petition, and certainly Willard Avenue is a different neighborhood than Salem Drive and Candlewyck. I also took another look at the zoning regulations, and even with I think, Commissioner Hall had a suggestion about using the driveway initially, with the frontage, I still, there still seem to be concerns with, the lot shall have adequate size and frontage for the safe pickup and drop off of users, and sufficient on-site parking for staff and visitors. Since there will be up to six children and one additional staff member, Section G, of Section 3.2.9 which says if the proposed location of such use is in a residential zone the following additional requirement shall apply: and it does say, any parking proposed or required in excess of two spaces shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood, so maybe that is not relevant because there are four spaces in the driveway, maybe there will be only four families, but three families plus the staff member, and again, I also looked at 5.2.6 which talks about the traffic circulation. Certainly, I have my own two children, I mean no ill will towards the applicant, by any means, she's not familiar with the neighborhood, the roadway during regular and inclement weather, in conditions, having just moved in, in the summer. Certainly not having an entrance and exit on Salem Drive is much better. That was our primary concern. I do have a question though, I don't know if the applicant would have to submit a revised petition if now she is going to be changing the entrance, just so, for the record it would have to be that way. No, okay, and my other question is, if that does occur, if the driveway is not used, is there any recourse, if in fact, people do end up using the Salem Drive entrance and exit which is at a stop sign, or across the street from the entrance and exit, what would happen?

Commissioner Aieta: The, if I might, Madam Chairman, the driveway would be part of the conditions and part of the motion if it was to be approved would stipulate that the driveway would be the drop off point, and that any changes to that, and we would put that in as a stipulation, would have to come back to this Commission. So we would not be looking for an entrance way on Salem Drive.

Elisa Nahas: If we found that wasn't the reality, then we would come back to you....

Commissioner Aieta: Then they would be in violation of their site plan and we would have recourse as a Town and a Commission.

Elisa Nahan: Okay, again, no ill will towards the applicant, we do have legitimate safety concerns that we appreciate that you heard from us, so thank you very much.

Chairman Camerota: Is there anyone else from the public wishing to speak against this petition? You can come forward.

Susan Krutt, 16 Salem Drive: As you all know, I'm Sue Krutt, Dan's wife, and we live at 16 Salem Drive. I do have a couple of additional concerns. So, it's okay that they are going to be parking in the driveway, we appreciate that, since that is really important, however, people don't do what they are supposed to do. People don't always do what they are told to do.

People don't always do what they are asked to do. So we have to wait until we can come back to this meeting? Is there any other police type of enforcement?

Craig Minor: Oh no, you just need to call my office, you just need to call.

Susan Krutt: So we call your office and then what do you do?

Craig Minor: The Zoning Enforcement Officer will go out and investigate and if he finds that yes, in fact, the applicants are in violation of their permit he will send them a series of progressively stronger worded letters until we get compliance, up to and including going to court.

Susan Krutt: Okay. My next issue with this is, should this truly happen, is this fence going to be built up so that our property is supposedly not affected by this, in this application, because a fence was discussed last week, or the last time we were here, and that the applicant was going to build a fence. I would like a guarantee that that application includes a fence, and that it is on the applicant's property, not our property, and that the applicant is responsible for that. That was mentioned, and it was discussed, and she did say that. I would like proof of that. So, is that part of the application?

Craig Minor: Well, if the applicant said that there would be a fence, then it's now part of the application and as you said, it probably will be part of the approval letter that there will be a fence.

Chairman Camerota: There is currently a fence there.

Susan Krutt: No, there is currently a gate like fence there, we are talking about a noise abatement fence, something that.....

Craig Minor: Oh, we're not talking about a noise abatement fence, so let's, maybe we should talk about that now. What do you mean by fence.

Susan Krutt: I think you have to have a fence that goes all the way up.

Craig Minor: Well, all fences go all the way up, by definition, what do you mean by.....

Commissioner Hall: Maybe a stockade.....

Susan Krutt: I'm not talking about a stockade fence, don't put words in my mouth. I'm simply talking about a fence that will provide some noise abatement.

Craig Minor: Okay, let's leave it at that.

Chairman Camerota: Well the applicant will have a chance to respond and you can ask questions.

Susan Krutt: Thank you.

Chairman Camerota: Is there anyone else who wants to speak against this petition. Seeing none, Mrs. Kaim, do you want a chance to respond to what you have heard?

Agnieszka Kaim: We do have two garages and we do have two cars, so the garages will be used for our cars, so there will be no cars in the driveway. There will be only one staff member which will be me, and I would have to hire like one substitute teacher. She is going to come when I can't. So she can also park in my garage. I have lived in the area for six years, we were living on Cambridge Drive which is just around the corner, so we are aware. Yes, there is a fence that is on our property, and we will plant tall evergreens all around it, the whole thing.

Chairman Camerota: Any Commissioner comments or questions?

Commissioner Hall: Just a couple. When the picture was up, it showed a pool. The pool is gone.....

Craig Minor: Correct.

Commissioner Hall: We all know that I think, at this point. I was just going to make the point, that unless these pictures are inaccurate or what I saw there is a fence currently, and I assume that the fence will remain as is, and that the evergreens will follow that line, probably inside the fence maybe?

Agnieszka Kaim: Yes, on our property.

Commissioner Hall: And, we've done it in the past, and I'm just throwing it out there, but would we consider a one year permit so that we would have the opportunity to review if there are any complaints during the year, that we could review that when she comes back to reapply a year from now. We'll go through a winter on that, we'll go through all of the seasons, so, it's just a thought.

Chairman Camerota: That is a possibility.

Commissioner Aieta: In the past, when these types of applications have come in we have never given them a carte blanche approval. It's always been a time period approval so that we can see how the operation operates, make sure there are no complaints, and give the opportunity for the neighbors to come back on the re-approval to voice their concerns if there are any. We found that most of the time there are no complaints, that people come in and then we extend the period of time from one year to maybe five years, and then after that, if there are no complaints maybe we would relax that and not ask anyone to come in any more unless there was a complaint, so this is something that we have done on a common basis for this type of application, and I would be in favor of doing that, particular in this case.

Chairman Camerota: Any other Commission comments, questions?

I have two, I want to clarify that you are going to be the only staff member, and you will have someone to fill in if you need a day off, or for some reason you can't be there. Okay. You have four parking spaces in your driveway?

Agnieszka Kaim: Yes.

Chairman Camerota: Okay, and then with the trees, the evergreens that will go along the fence, are you going to do the whole area of the property, or just that back area that abuts the property line?

Agnieszka Kaim: One side has already trees, so we can.....

Commissioner Aieta: And they end right at the corner, so it would be from the corner going back towards Salem Drive.

Craig Minor: And along this side also?

Agnieszka Kaim: Yes.

Commissioner Anest: I have a concern, I mean, there is a fire hydrant right in front of your house, correct?

Agnieszka Kaim: Yes.

Commissioner Anest: So, I think as part of the decision, that we should stipulate that parking will only be in the driveway, so that someone does not park in front of the fire hydrant, or block it, I think we would have to be careful about how it is worded.

Commissioner Aieta: Just a clarification, I thought that if you had a certain number of children that you had to have more than one person there at a time. You have having up to six people, so you could run that day care all by yourself with six people without an assistant, is that the law?

Agnieszka Kaim: The ratio is one to six.

Commissioner Aieta: One to six, with one person.

Agnieszka Kaim: Yes.

Commissioner Aieta: Okay, I wanted that to be clarified.

Chairman Camerota: Does that mean that you are not having infants?

Agnieszka Kaim: No.

Chairman Camerota: Two to five.

Commissioner Aieta: One other, this is something for the neighborhood and the people who came here tonight. We are not the traffic authority for the Town of Newington. If you would like to petition the Town traffic authority, I would start at the Town's Manager's office, but you, what I would do if I lived in the neighborhood and this was a concern of mine, I would get a petition of the neighbors that would want it and show some support for it, and bring it to the traffic authority which would be the Town Manager's office to start. If you really want another stop sign at that location, we don't have the authority to say we want a stop sign, it's not our authority.

Chairman Camerota: Any other comments? I think we can close this one as well.

Commissioner Sobieski moved to close Petition 51-13. The motion was seconded by Commissioner Hall.

Chairman Camerota: Oh sorry, I forget, the public has the right to rebut anything they heard from either the Commissioners or the applicant.

Elisa Nahas: I don't want to rebut, but in the staff report of September 6th of 2013, it says that according to the family day care regulations an assistant is required if more than two children are cared for, so it should be assumed that there will be one employee, so that would mean...

Craig Minor: That would be clarified that if there were no infants involved, that one person is sufficient to take care of six children.

Commissioner Aieta: That's what I read, so that's why I was concern too.

Catherine Maternowski, 344 Connecticut Avenue: I don't really have anything to say, but we have a letter from our Director that she wrote up on behalf of Mrs. Kaim, so I would like to be able to pass it out to everyone here and anyone else who wants it.

Chairman Camerota: Just to the Commission and you can leave copies at the table if you want and let people read it. Any other comments from the public?
Any comments based on this information?

Craig Minor: I just want to, are you submitting this as part of your application? In other words, are you saying that these are the hours, is this part of the application and binding? There is a lot of detailed information in here, which is good, but there is a lot more detail in here than we usually get from a letter of support. This is more like something that would come from the applicant herself.

Agnieszka Kaim: This is a letter of support from my supervisor.

Craig Minor: So then we really shouldn't take anything in here as binding on you, because it is not coming from you, right? Okay.

Commissioner Anest: She is saying not binding, but however, she has two children of her own, and they are not going to be part of the six. They are going to be in addition to the six.

Agnieszka Kaim: They are school age children.

Commissioner Anest: Okay, then you might have another school age child that comes?

Agnieszka Kaim: I will not have another, that is the regulation, six, plus three school age, but I will not take additional school age.

Commissioner Anest: So you don't need any additional help for the two extra children.

Chairman Camerota: Any other comments? So, close this, and move it to Old Business for next time.

Commissioner Aieta: Yes, I think we need the time to clarify some of the conditions of approval or disapproval.

C. Petition 52-13: Special Exception (Section 6.2.4: Free Standing Sign) at 3237 Berlin Turnpike. National Sign Corporation, applicant, Rockledge Properties, owner, Tracy Becker, National Sign Corporation, 780 Four Rod Road, Berlin CT, contact.

Tracy Becker: Hi, I'm Tracy Becker, I live at 43 Marriott Circle in Wallingford. So, the Sovereign Bank on the Berlin Turnpike was I believe it was purchased by Santander a few

years ago, and they are just now getting around to changing their signage and their branding to be the Santander brand. There's a 56.0 square foot pylon sign and we're asking to remove that sign and replace it with a 47.2 square foot sign pylon sign. The new sign will have an overall height of fifteen feet which I believe falls within the regulation.

Chairman Camerota: Anything else about the sign that is going to be different or changed?

Tracy Becker: It's going to be a totally brand new sign, so I think it actually has less copy on it than the current sign. The current sign says Sovereign Bank, 24 hour ATM and the new sign will just have the Santander logo and the word Santander.

Chairman Camerota: Are you changing any of the plantings around it?

Tracy Becker: There is no intention to do that.

Chairman Camerota: Craig?

Craig Minor: I asked the ZEO to confirm that the area of this sign, combined with the area of the existing wall sign doesn't exceed the maximum allowed and he confirmed that this is within the allowance.

Chairman Camerota: Any Commissioner's questions or comments?

Commissioner Hall: It may be an optical illusion, but it looks as if it's a little taller than the Sovereign Bank sign. Yes, no?

Tracy Becker: I don't honestly know what the overall height is of the current sign, I just know that the new sign has a fifteen foot overall height, and it's within the regulations. I can probably find that out, I can probably research the town records to see.

Commissioner Hall: It looks as if, the back of the neck of this looks longer.

Tracy Becker: Yeah, and a lot of times that's because they are superimposing the new.....

Commissioner Hall: That's why I said, it could be an optical illusion.

Tracy Becker: Yeah, I think it is, but I'm not one hundred percent sure. If you would like me to find out the height of the current sign, I can do that.

Commissioner Aieta: I'd like to know that.

Chairman Camerota: Craig, can you do that or should the applicant do it.

Craig Minor: Well, presumably you are going to want to close the hearing tonight, well, why don't you keep the hearing open until next week and then possibly act on it next meeting, so I'll have it for you at the next meeting.

Chairman Camerota: Okay, thank you.

Tracy Becker: Thank you.

Commissioner Aieta: Can we get also the dimension of the pylon, the existing pylon. You gave us the dimension of three foot ten and an eighth for the width of the pylon, the new one.

I would like to know the width of the existing one that looks larger, wider, because if you are cutting it down, that would be a plus for you.

Chairman Camerota: Is there anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? Seeing none, we are going to leave this open until we got some more information on the signs. Thank you.

IV. **PUBLIC PARTICIPATION** (for items not on the agenda, speakers limited to two minutes.)

None

V. **REMARKS BY COMMISSIONERS**

None

VI. **MINUTES**

A. September 11, 2013

Commissioner Sobieski moved to accept the minutes of the Special Workshop from September 11, 2013. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

Commissioner Anest moved to accept the minutes of the regular meeting of September 11, 2013. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

VII. **NEW BUSINESS**

A. **Petition 43-13: Site Plan Modification (Assisted Living at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton CT, contact.**

Jim Swift, 102 Village Drive, Shelton, Connecticut: Good evening. Again, I'd like to reiterate the request to put the evidence presented in the previous public hearing into the second application as well, and I believe there was one outstanding question which was the question of staff. It varies, and it's not going to change and it's between fifteen and seventeen.

Commissioner Anest: I have a question. During construction, the spots that are behind the building, are those going to be taken up by construction vehicles?

Jim Swift: No they are not, and we can't, primarily because there is so much activity from the kitchens and all those things are located in the back here, so most of that is going to occur in this lawn area here, and in this lawn area here, and that's where the crane will be located to, as we start, to bring some of the materials into the courtyard.

Commissioner Anest: So none of the parking spaces are going to be taken up by dirt, or anything....

Jim Swift: No, spaces or aisle.

Chairman Camerota: Any other Commissioner questions, comments? Craig?

Craig Minor: No additional comments.

Chairman Camerota: Thank you. We will move this to Old Business for the next time as well.

B. Petition 47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana) Town Plan and Zoning Commission, applicant.

Craig Minor: There is a revised draft on your table, the Chairman noticed that I missed adding a time restriction, which is on page 3 at the top. Hours of operation for medical marijuana dispensary facilities and production facilities, shall be limited to between 6:00 a.m. and 9:00 p.m. all days of the week. There is nothing magic about those, although I did want it to be early enough so that people can stop by on their way to work, and late enough so people can stop by on their way home from work, but not so late as to be into the evening hours. That was the concern of the Commission, but.....

Commissioner Aieta: Where are we putting that Craig?

Craig Minor: Right where it is.

Commissioner Aieta: Where?

Craig Minor: Well, it will be under Section 6.15.7, Security Requirements.

Chairman Camerota: But I think the main point was in the Industrial Zones and to be commiserate with the hours of operation of most businesses in that zone which are not going to be until 9:00 p.m. It's going to be earlier....am I wrong, or.....

Commissioner Aieta: No, that is our concern.

Craig Minor: Okay, what time do you want?

Commissioner Aieta: Seven o'clock, seven to five, the normal business working time. I have some information that I would like to share with the Commission on this. If you were a patient that had the certificate to receive marijuana, you have to designate your place to get the marijuana. You just can't go, like, well, I'll go over to Newington this week and Wethersfield next, no, you are assigned to a specific dispensary.

Chairman Camerota: Do you choose or do they chose for you.

Commissioner Aieta: I'm not sure, you probably choose, but once you choose you have the opportunity four times a year to change your location, but you have to go and tell the State, like, well, I'm here now, but then you'd have to change it, but up until that point, you are specifically allowed only to go to that one dispensary, so the number of people who are going to be going to this dispensary are going to be limited to a percentage of a number of people who are overall getting the prescriptions to buy it. So, just some information that I thought would be helpful to the Commission, it's just not, you just can't go anywhere you wanted to, to buy it, so you are specific to a location. I think if people are specific to a location and they were picking Newington as one of the locations, and it was in an Industrial Zone, those hours of operation, they would take that into consideration if they picked Newington. They have to buy it between whatever, eight in the morning.....

Chairman Camerota: Seven to five.

Commissioner Aieta: Seven to five, which is normal business hours. I think the concern of most of the Commissioners was that we didn't want people there later than that, late at night where people are coming in where no one else is working. It would be.....

Chairman Camerota: Particularly during the darker times of the year.

Commissioner Aieta: Yeah, it would lend itself to maybe potential problems or crime problems.

Chairman Camerota: And for the safety of the workers and the people who might be going there.

Commissioner Ekstrom: I believe it was Commissioner Leggo who had mentioned about the lighting the last time. In the Industrial area, I've got to say, I've never been to one of the Industrial areas, in the evening, so if you are in there after five, or even at five with daylight savings time, that it is well lit.

Commissioner Aieta: The applicant that came in on Stamm Road, I don't believe that there are street lights on Stamm Road. It's a real Industrial area. I don't know which particular building, but I assume that it's the one way in the back towards Rogers Sash and Door, in that area, I'm assuming, but that is not a well lit area at night. I don't know how we could change that other than them, restricting them, to the hours which we are doing.

Chairman Camerota: In the Industrial Zone only, right?

Commissioner Aieta: Right.

Commissioner Anest: Did we determine in the Public Land if there was any facility, like the Veterans Hospital that met, remember we were talking about that?

Commissioner Aieta: The one that we talked about was the one, Constance Leigh was, the Hartford Hospital piece, where the old Children's Hospital was.

Commissioner Anest: Because if there is no place where one could go.....

Craig Minor: Well, there are one, two, three, four, five, six Public Land Zones in Newington.

Commissioner Aieta: Well, why don't we look at each one.

Craig Minor: Well, what I was planning on doing is have our GIS Department do some maps showing the buffer, and where it would intersect residential zones and if there were any schools, or churches or playgrounds within that buffer, I'll have all of that for the public hearing, so you can do an analysis.

Commissioner Aieta: If it doesn't work, why even put it in the regulations?

Chairman Camerota: Could we have it before the public hearing so that we can.....

Craig Minor: I could do that.

Chairman Camerota: We don't want to send something out to public hearing that we aren't even going to do public land.

Commissioner Anest: We aren't going to bring this to public hearing in two weeks, are we?

Craig Minor: No.

Commissioner Anest: So just so we have it in two weeks.

Chairman Camerota: Do you think we should put something in here about lighting, that that might be one of the considerations?

Commissioner Aieta: Well, if we restrict it to five o'clock, that's just about when it is starting to get, well, in the dead of winter it's like four thirty, so, probably could get away with it if we restrict the hours to five, don't you think?

Chairman Camerota: Okay. And starting at seven, by seven fifteen it really starts to get light. Any other questions or changes or comments on the proposed amendment? Craig will get that information, and we will leave it on for the next meeting.

C. Petition 53-13: Site Plan Modification (Jade Jeans) at 353 Alumni Road, Newington 2002 LLC, owner/applicant, Joseph Perugini, 272 Dividend Road, Rocky Hill CT, contact.

Joseph Perugini: Good evening Members of the Commission, my name is Joe Perugini, I'm a professional engineer with Weston and Sampson, the office is located in Rocky Hill, Connecticut, and I'm here tonight to present this site plan modification located at the Newington Business Park. There is a new tenant by the name of Jade Jeans looking to occupy approximately 309,000 square feet of the existing building. The building is located on Alumni Road. Alumni borders the south, and Willard Avenue is just to the east. You can see by this plan that this is the occupancy area, it's approximately roughly half of the front end of the building, and they are looking to improve the site so that we can add in-bound loading docks as well as out-bound loading docks. On the east side of the building we are proposing six exterior loading docks for trucks to come in; the product will then be re-packaged inside the building and then will be loaded on the west side, which are going to be interior loading docks. So with new overhead doors being added, the trucks will be able to maneuver back into the building. The floor within the building can be lowered so that the truck beds are level with the existing finished floor. On the east side the trucks are going to back up to the building with new overhead doors being proposed, and as you can expect, with the truck beds having to be level with the finished floor, the pavement is going to have to be lowered about four feet. By lowering the pavement, that causes the sheet flow runoff of drainage having to run towards the building, so we have proposed new catch basins on this side, with a new drainage system. Because the depth of the catch basin is lower than what is there existing, we had to run this drain line over to the access drive and down the side of the road in order to drain back into the existing system. All the existing drainage on this side of the parking area wasn't low enough for us to tie into, but we saw this as an opportunity that there may be some future loading docks added on this side, to match what we are doing here. So we oversized this drainage pipe in the event that that happens in the future. It's just easy enough, we're doing the work now, we might as well increase the size of the pipe now in case this gets expanded later.

On the west side in the same fashion, we are lowering, if I may correct myself, we're trying to flatten it out as much as possible to make it as truck friendly as possible, so we're, it's not going to be a sharp drop off, a steep grade, so we're trying to flatten it out, but in this area here we're cutting it down, we're flattening it out, and we did have to widen this existing access road on the west side, about twelve feet and that will allow trucks to be able to pull out freely, or back in without too much issue. On this side, by widening, we are cutting into an

existing grass slope here, which has a drainage swale. We're going to eliminate the drainage swale and add three catch basins that will pick up runoff from the outside storage area. We are going to direct that runoff back into a drainage swale on the north end.

With regards to parking, we submitted an overall parking layout. It's in the package, it's drawing C-1.00, and this is really that plan, we added some color for the presentation, and you will see on that plan that there is a heavy dashed line around the front and the east side of the building. That's our limit of parking, what we are calling the parking assignment for this. The tenant requires 100 parking spaces, we have 17 existing along the front, and then we're going to make up the rest of the 83 along the east side. Because we lost some parking for this arrangement, we are adding some new parking along the front corner. That's going to be the main entrance to the facility for this tenant.

Also, to ease the entry into this loading area, we've eliminated some of the existing islands. We are not designing for larger trucks, so it just makes entry into the area, and maneuvering much easier to do that.

Also with me tonight are the architects and representatives for the owner that can answer any questions that you may have.

Chairman Camerota: Craig, comments?

Craig Minor: I can confirm that there is enough parking, that was a concern that I had and the only other issue that I had when I saw that they were eliminating an end island at the southwest corner of the site, I was concerned about how much green space that left, not being familiar with the site, I got a reply from Joe saying, well there is twenty-six percent green space, there is a lot of green space on this property, I wasn't aware of that. My concerns were addressed, and we can talk later about the wetlands aspect of it, just for the record.

Commissioner Aieta: Craig, can you tell us what you used as the criteria for the parking? Did you use the number of employees that they provided? I know that there is a legend on this particular sheet, that spells out some of the parking requirements, but I want to hear it from you how we determined what the number was.

Craig Minor: I didn't know what their employee load would be, I knew that they would tell us that tonight, so I looked at the last set of plans that were approved by the Commission, which had several different tenants in this space, Shuco, ITC and General Nutrition were in this same area, and collectively they needed 83 spaces. So when I got these plans and saw that they were providing six more, there is a net increase of six spaces under this design, I felt at that point that it was probably sufficient, and again, as you know, the requirement for warehouse is based on the number of employees on the larger shift.

Commissioner Aieta: Right, that's the point I'm trying to make is that in an instance like this that you can't take square footage and try to extrapolate some kind of a number that makes any sense. You almost have to go to the applicant and ask them specifically what their requirements are based on the number of employees and then come up with the number, so they basically are giving you the information as to how many parking places they need. I've got a couple of other questions. The portion to the east, where you are adding the twelve foot of driveway? The portion of property to the east of that, there's a big fenced in area that's, what is that? Is that part of this development as owned by the same people?

Joseph Perugini: That's right, this is a large outside storage area, that is part of this development, part of the entire business park. I don't know that it is going to be used by this tenant.

Commissioner Aieta: I'd be interested to know if it is, and what they would be storing outside. It is a fenced in area, it looked like at some point it was used for parking.

Joseph Perugini: My recollection, it was an outside storage area for ICS and I was involved in that design, and part of that was a large landscaped berm out in the front and this is all fencing, so from the road the idea was to de-emphasize this storage area from Alumni Road.

Commissioner Aieta: The tenant to the north on this particular piece of property, that's, I'm assuming that is why you increased the size of the roadway also, so he could get his tractor trailers into the remainder of the building to the north?

Joseph Perugini: This, what is there now, I know this looks like this is all pavement, what's there now is about a 24 foot wide road, which is equivalent to a small residential road, but the additional twelve feet is not intended for these vehicles to utilize. There's a double yellow center line that they will follow. It's more for the turning movements to manage that turn. They are going to swing out and then swing back in line with the center line of the road. It may be used for temporary parking, occasionally I've seen trucks come in and need to stop for some reason or other, but the intent there is to keep it free for this movement, if someone is parked there. It may turn out that it may need to be striped, if that becomes a problem, and it just made sense to extend it along the entire length as well.

Commissioner Aieta: One last question if I might. Alumni Road is blocked if you go to the west, it's blocked with, not a barrier, but like a fence, I'm not sure, from the town's, maybe you can shed some light on this, that's not proposed to be open is it?

Craig Minor: Well, actually we are in negotiations with the STC, well the Traffic Administration to get the gate opened for at least a limited amount of time.

Commissioner Aieta: For what purpose?

Craig Minor: To accommodate the tenants of the Fafnir building.

Commissioner Aieta: Okay, you know that if that is the case, the use that we have here is tractor trailers, fifty-two foot tractor trailers I'm assuming, if that is the case, if that road was open, they would be, they could possibly use that to exit onto Cedar Street, which is probably the worst intersection in the Town of Newington. I would prefer to see that remain closed and use, have them go back to Willard Avenue. Was that something that the, your client was looking to do, to use both entrances, Cedar Street and Willard Avenue as an entrance and exit point, because right now they are only limited to going back to Willard Avenue, which is a state highway?

Joseph Perugini: I was not aware of any use, of any opening of Alumni Road, I know there has been talk about it.....

Commissioner Aieta: Is that a requirement of Jade Jeans that they have access that way, would that be a deal breaker?

Joseph Perugini: I don't think so, no.

Commissioner Aieta: Okay. I think we have to take that into consideration, because there's going to be a lot of traffic, tractor trailer traffic that is basically the business of this type of a warehouse, so I would not like to see those trucks exiting onto Cedar Street through Alumni Road. I don't think that that intersection, the way it is now, is safe enough to have those

type of movements, with those type of vehicles. That's just my opinion, I may be all wrong, but there's been talk in the past of straightening out the roadway, of Maple Hill Avenue to Alumni Road, and maybe there could be, but you know, that's really up to the State, that's not up to us. Maybe Stanley could throw some light on it.

Commissioner Sobieski: Yeah, I think that's why it is closed, because the realignment of Cedar and Maple Hill was not done.

Commissioner Anest: There is a very simple resolution, simply put No Truck Traffic, that way you won't have the trucks egressing if it opens up, so that would alleviate the truck traffic going through. My question is, is you ultimately put in addition bays, or loading docks, over there, how is that going to affect the parking that you are counting as part of the hundred?

Joseph Perugini: That would have to be looked at, because that may eliminate these here, depending on the size of the truck. It would be very tight, they actually use that for loading now, or the prior tenants used the loading docks there. You can see that they are depressed loading docks. Now the way that we are designing this for larger trucks we're just trying to give them as much room as possible, so that's why the spaces were eliminated there. We'd have to manage that, and make up those spaces that would be lost if that was the case.

Commissioner Anest: Is there space to make up those spaces?

Joseph Perugini: It would depend on what happens here, because right now this entire side is vacant. We would have to look a little harder at the parking and what would be left behind for that tenant.

Commissioner Anest: Okay, thank you.

Commissioner Hall: I just have a question as to what Jade Jeans is? Are they going to be taking product from somewhere else, bringing it here, to store it, to separate it, to market, whatever, and then ship it back out, what is Jade Jeans?

Ed Diamond: Good evening, my name is Ed Diamond from Russell, Larson, I'm a project architect there, and we are at 1111 Main Street, East Hartford. Jade Jeans is a distribution center of the product. The jeans themselves are made overseas, in this particular case, China, shipped over here in containers, from there they are brought into the incoming loading docks that are going to be created here, when they unload containers, they drop them, and the trucks leave like twenty minutes afterwards. They then unpackage or unload the containers, repackage the product, into smaller boxes, and then they are sent off from the other side of the building and sent out on different trucks for distribution. Just as a side note, presently they have an operation in Farmington, their distribution center there. They have been in business since 2003. The business is growing and they have a need for a larger warehouse space, a better warehouse space in a better location, so I know that the owners worked hard to get the building improved to accommodate a tenant such as this, so they are excited about coming to Newington. As far as the employees, as touched upon that previously, initially there are going to forty workers, fifteen of those are going to be full time and possibly twenty-five are going to be contractors coming in and doing the packaging primarily. There will some fork lift operators that are on the Jade Jeans payroll, but initially there is going to be forty workers in the building, and fifteen of those will be in office space that is going to be inside the building. So, that is what they do there. Again, they have a need for a better, bigger building, and looking forward to coming to Newington.

Commissioner Hall: Are there various manufacturers of Jade Jeans that all come to this spot and then get parceled out?

Ed Diamond: There are different name brands that they do. I'm not familiar with all of them, it's no recognizable names like Lee or Wrangler or things like that, but there are different names to the jeans and different product lines so they have a variety of jeans, and that's their only business. They used to do different types of clothing, but now they're only in the jean distribution business now. Getting back to the trucks, because you alluded to that earlier, the incoming containers are going to be brought in between seven in the morning and eleven in the morning, and there will be five of those daily, Monday to Friday. Those trucks again will be, they will just drop the containers and leave about twenty minutes after, that's how long it takes to unload the containers. The workers inside the building will then re-package the jeans, and then in the out-going, newly created loading docks, they'll be sent out in the afternoon between twelve and three, and again, those will be five trucks going out. So it's five in, in the morning and five out in the afternoon. Initially they are going to have one shift only, they're projected to have a growth in business this year, so they might go to a shift and a half down the road.

Commissioner Hall: So that would be approximately seven a.m. to eleven?

Ed Diamond: Probably since it is a half shift, seven to seven.

Commissioner Hall: Thank you.

Chairman Camerota: Any other Commissioner comments, questions?

Commissioner Sobieski: You won't ever have like an outlet store in there, would you?

Ed Diamond: No.

Chairman Camerota: Thank you.

Craig Minor: Let me add for the record the point that there is what's called a regulated area on the site, it's within the wetlands buffer area, and by state statute, before TPZ can approve a site plan that has wetlands on it, it has to be approved by the Conservation Commission. It has been approved by the Conservation Commission's agent, which is in accordance with normal procedures, so yes, this project has been approved by the Newington Conservation Commission, and I also have a separate report from the Town Engineer. He has reviewed it, he has discussed it, probably several times today with Mr. Perugini, and he recommends approval with the condition that certain information be provided and that certain changes be made in the plan. That would be reflected in the motion for approval.

Chairman Camerota: Has everyone had a chance to look at this? Any questions for Craig based on this?

Craig Minor: And I have no objection to the TPZ voting tonight if they feel it is appropriate.

Chairman Camerota: Any Commissioner comments, or what is the pleasure of the Commission on this one?

Commissioner Aieta: If I might, I think we should move it forward tonight and act on it tonight. I think this is a great addition for the Town of Newington to get that vacant area rented, 300,000 square feet, you don't run across tenants that take that kind of square footage every

day of the week. The improvements that they are making on the site are going to be beneficial to their business. I don't think it takes away from anything from the town. It's in an Industrial area. My only concern was the truck traffic going to Cedar Street, other than that, I think this is something that we should be putting our arms around, it's good for the Town of Newington.

Chairman Camerota: Additional comments?

Commissioner Anest: I agree with Frank, I think we should vote on it this evening.

Chairman Camerota: There are a lot of little things being changed, but overall, it's not really a huge change in the site, and I think they are addressing some of the issues, and looking forward, which we appreciate.

Commissioner Sobieski moved to move Petition 53-13 to Old Business to be voted on tonight. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YES.

D. Petition 54-13: Transfer of Special Exception #32-08 (Restaurant Liquor Service) at 1052 Main Street (Rear) Salvatore Motta, owner/applicant.

Josephine Letourneau, 74 Winslow Drive, Newington: I have been a resident for seventeen years now, and we just purchased the Hidden Vine a week ago. We are planning to have no construction what so ever, nothing that we are going to be changing inside or outside of the building. We are going to paint, and put a new floor down. Our hours of operation, Sunday and Monday we will be closed. Tuesdays and Wednesdays we are planning to open four to ten; Thursday, Friday and Saturday it will be four to eleven. That's really about it.

Chairman Camerota: As far as the liquor permit, what are you planning to do? Are you planning to do beer and wine and alcohol, which I think was the previous?

Josephine Letourneau: That was the previous, yes.

Chairman Camerota: Any live music, anything like that.

Josephine Letourneau: Just maybe in the summertime, on the patio, no bands, no live bands, just something simple, if I can find somebody.

Craig Minor: I didn't have any concerns. This was condition number four of the permit that Sal Motta was given back when the Hidden Vine opened, and the condition was that it not be transferable without the Commission's consent, but I have no objection to you granting the consent.

Chairman Camerota: Any other questions, comments?

Commissioner Aieta: In light of the simplicity of this application, without any changes, just basically a change in ownership of the operation, and I know what it takes, she still have to go to the State Liquor Commission, I believe, and that could be a nightmare in itself, as far as time, I think that we should move it to Old Business and act on it tonight. There's basically no conditions, or, it's just a continuation of a business with a different owner.

Chairman Camerota: She's really here just because of our conditions. I just want to ask about condition five Craig, with the time limit, is that up to date?

Craig Minor: That's a good point, I didn't notice that. Twenty-four months from the issuance. I assume Mr. Motta did not come back to renew it, but apparently nobody commented on it.

Commissioner Hall: I think he did once.

Chairman Camerota: I think he did too.

Commissioner Aieta: What is this saying, what exactly is this saying. Explain this.

Craig Minor: This special permit shall have a time limit of 24 months from the date of the issuance of liquor permit to the applicant, Mr. Salvatore Motta by the Department of Consumer Protection, request for renewal of this permit shall be the applicant's responsibility.

Commissioner Aieta: Was there a reason they put, I don't remember this originally.....

Commissioner Hall: Because of the other, it's now the Black Rose, they just wanted to make sure that it wasn't going to cause traffic issues, noise issues, all the rest of that, they put that in to have him come back, and I do remember him coming back once.

Commissioner Aieta: He came in for the patio.

Commissioner Hall: The patio, that too.

Chairman Camerota: He may not have come before us, it could have been done administratively.

Commissioner Hall: And would that have been something to involve the State Liquor or was that just us?

Commissioner Aieta: No, that was just us. That was this Commission, and if those were the reasons, I think the previous owner demonstrated that he didn't make any, because of traffic or whatever, that never was an impact on that area back there, and if it was noise, there was no noise, we allowed him to put a patio in, and I don't think that this is relevant to this applicant, I really don't.

Chairman Camerota: I agree, I just wanted to make sure that we talked about it, and pointed it out. Any other questions or comments from the Commissioners? Thank you. Frank has proposed that we move it to Old Business, is everyone else in agreement?

Commissioner Sobieski moved that Petition 54-13 be moved to Old Business to be voted on tonight. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

E. Performance Bond Reduction Request #3 for "Victory Gardens on Veterans Drive.

Craig Minor: I have a memo from the Town Engineer. He inspected the property, or the staff inspected the property and I'll read it. The performance bond is currently \$281,172.50. The applicants have requested another reduction in the amount of \$209,412.00. The Engineering Department Staff and the Zoning Enforcement Officer have inspected the site and recommend \$191,380.54 be released. I therefore recommend that TPZ release \$191,000 at this time. For information, if approved, this will leave \$90,172.50 which is approximately fifteen percent of the original bond.

Commissioner Aieta: And the Town Engineer actually, the Town Engineer did his due diligence and went out there and determined that this was the amount of work that was done.

Craig Minor: Yes, on your desk is an e-mail from the Town Engineer, looks like this and is stapled to a spread sheet, that looks like this, oh, sorry, you don't have that. But there is a spread sheet to the penny, verifying that amount of work has been completed.

Chairman Camerota: Anyone have any questions?

Commissioner Aieta: I just have a comment. Maybe before we release the balance, maybe the Commission should take a, before the whole amount is the \$90,000 that is left, maybe the Commission should go out and do the final inspection, or at least the final walk through there. It has always, we always did in the past, did our own inspections. I don't know what happened.

Chairman Camerota: Do you want to do it as a group?

Commissioner Aieta: We used to do it, I mean, this is a pretty big project.

Craig Minor: Good idea.

Commissioner Aieta: We did it for that project off of Fenn Road and we found out there was all kind of problems at the end that we caught, remember? So I think maybe we should start that again, at least for the final when we take a look and see what we did, see what our projects end up looking like when it's finished.

Chairman Camerota: So when they're, I mean, they're at \$90,000 now, so they are pretty close, so when they come the next time, I think we'll try and schedule something. It will probably be dark, but maybe we can.....

Commissioner Aieta: Yeah, that's true too.

Chairman Camerota: Why don't we wait until it happens and see what the situation is.

Commissioner Aieta: I drove by there today, or yesterday, when I went and looked at the Jeans place, because I cut through because I got lost and I ended up going by there and seeing the work, and it's pretty, I think we should take a look at it.

Chairman Camerota: Okay, we'll do that.

Can I have a motion to reduce the performance bond for Victory Gardens by \$191,380. 54.

Commissioner Aieta: Recommended that we release the \$191,000. The next line down.

Chairman Camerota: This will leave \$90,172.50 which is approximately fifteen percent of the original bond.

Commissioner Aieta: That's if you release only \$191,000 not all the dollars and cents at the end.

Chairman Camerota: Let me start over again, May I have a motion to reduce the performance bond of Victory Gardens by \$191,000.00 reducing the bond to \$90,172.50 which is approximately fifteen percent of the original bond.

Commissioner Aieta: So move.

Commissioner Sobieski: Second

The vote was unanimously in favor of the motion, with six voting YES.

VIII. OLD BUSINESS

Petition 53-13

Site Plan Modification (Jade Jeans)

353 Alumni Road

Joseph Perugini PE, contact

Commissioner Hall moved to approve, with conditions, Petition 53-13: Site Plan Modifications (Jade Jeans) at 353 Alumni Road, Newington 2002 LLC, owner/applicant; Joseph Perugini, 272 Dividend Road, Rocky Hill CT, contact.

CONDITIONS:

1. The Applicant shall revise the plans to address the Town Engineer's comments contained in his letter to the Applicant dated September 25, 2013.
2. The Applicant shall provide the Town Engineer with the information requested in his letter to the applicant dated September 25, 2013.

The motion was seconded by Commissioner Sobieski.

Commissioner Anest: I have a question, is the owner Newington 2007 LLC or 2002 LLC?

Craig Minor: 2007.

Commissioner Hall: I modify my petition to read, 353 Alumni Road, Newington 2007 LLC

The modification was seconded by Commissioner Sobieski.

Chairman Camerota: Any Commissioner questions or comments? Do we want to add a condition that the exit will be through, there will be no exiting from Alumni Road.

Commissioner Aieta: Yeah, I brought that up, I think at this point, with the conditions at Alumni and Cedar Street that it doesn't lend itself well to truck traffic. Carol brought up a thing that you know, the town wanted to, or there are proposals to open it, to road traffic, I hope we get a shot at that because that would make some kind of a cut through that might not work. We'd have to look at it I think. I think it would be appropriate that the truck traffic goes back to Willard Avenue, which is a state highway, with the proper radius for them to make safe turns.

Chairman Camerota: So this motion should be amended to add a condition that truck traffic will only exit out onto Willard Avenue.

Commissioner Anest: Enter and exit.

Chairman Camerota: Enter and exit through Willard Avenue.

The motion was seconded by Commissioner Aieta.

The vote was unanimously in favor of the motion with six voting YES.

Petition 54-13

Transfer of Special Permit #32-08 (Restaurant Liquor Service)

1052 Main Street (Rear)

Salvatore Motta, owner/applicant

Commissioner Sobieski moved to approve Petition 54-13: Transfer of Special Exception #32-08 (Restaurant Liquor Service) at 1052 Main Street (Rear) from Salvatore Motta to Josephine Letourneau.

CONDITIONS:

None

The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

X. TOWN PLANNER REPORT

A. Town Planner Report for September 25, 2013

Craig Minor: Zoning Enforcement Issues raised at the previous TPZ meeting: The chairs outside of 1125 Willard Avenue. Since I prepared this memo, the Zoning Enforcement Officer has spoken to the owner and has directed him to remove the chairs now that TPZ denied his request to keep them, he has to remove them. The owner seemed to be surprised, and so there was a discussion and Art asked him for a date that the chairs would be removed by, and the owner said Friday, and Art said, good, I'll be back on Friday.

Commissioner Aieta: Which Friday.

Craig Minor: Day after tomorrow.

Commissioner Aieta: Okay, because I went by there tonight, and not only does he have the chairs, he has a sign, an illegal sign there, and he also has a sign at the street. I don't know if he came in to get a special permit, to have the sign at the street advertising because he is a new business, maybe, if he hasn't done that, he has to do that. But, he has still the couch there, and the other thing, and on the side of the building, he has the old junky tables. It looks bad.

Commissioner Anest: He could have pulled them inside.

Craig Minor: Well, I asked Art about that, and actually, there isn't very much room inside there, but that's no excuse.

Commissioner Aieta: Well, we'll wait until the next meeting.....

Commissioner Hall: Why did they give him until Friday?

Craig Minor: Well, Art, and it's a good policy, if the individual says I can comply with this order by a date that I'm saying I can do it by, then the individual has no excuse not to do what he said he would do, when he said he would do it. I think Art has learned over the years that if Art tells him to do it by Thursday, the person will have all kinds of excuses, but if the person himself says, I can get it done by Thursday, and then doesn't, they don't have a leg to stand on. So it's probably a good technique.

Chairman Camerota: I hope he really meant this Friday.

Craig Minor: Oh, he did. I'm sure he meant this Friday.

Commissioner Aieta: While you are on that, just one other thing so I don't have to bring it up under Commissioner Remarks, did he go to the Waffle joint on the turnpike? The Crazy Waffle or.....

Craig Minor: If so, not that he has mentioned to me.

Commissioner Aieta: Okay, we talked about it at the last meeting, so have him go out there and try to get them to comply. They have a sign on the truck now.

Craig Minor: Okay. Nothing to report on the standing items that I always report on. Actually the LID Committee did meet the other day and make some more progress on the draft, the manual that they are going to use for low impact development in the future, and Cathy, was there a sense that we would be making a report back to the Commission.

Commissioner Hall: Fairly soon. It sounded as if it would probably be within a month or two, two meetings. We're meeting again.....

Craig Minor: The week of the 10th.

Commissioner Hall: It would have been the 14th, but that's a holiday, so we are waiting for an e-mail back to find out what the date is actually going to be. So it is probably some time in November I would think that they would be ready to come here.

Craig Minor: And then, finally, the St. Mary's Knanaya Church on Russell Road. I went to the Wethersfield TPZ meeting that night, actually it was a good night to be there, there were three items on the agenda that were of interest to us. This one, and it doesn't seem to be a big deal, as I mentioned in my report. The Church has some 43 families, they said they were only going to have normal Sunday morning services, and during Easter. They are not going to rent out the hall for weddings and Bar Mitzvahs and things, just going to be the church. Somebody mentioned that some of their congregants will probably use Arrow Road to come and go, rather than Russell, which would be preferable to many people. P & Z closed the hearing, and voted right then, right then and there. That's how they do it, they close the hearing, and if everything is in order and ready to go, they just right then and there approve it. I thought that was interesting.

The other two items that were on the agenda, Pat Snow has a piece of property in Wethersfield, off of the Berlin Turnpike, but it's landlocked. You have to come through the land to the west, which is in Newington and you can't get there other than through Newington, so I was kind of concerned about this project, because how do we insure, how does Wethersfield insure public safety for their residents.

Commissioner Aieta: Where is the piece?

Chairman Camerota: It's off of Prospect, right?

Craig Minor: Yes.

Commissioner Hall: Is it off of Prospect or off of Griswoldville?

Craig Minor: No, it's up around here. It's here, because the driveways would have to come through a little bit of Newington to get to it.

Commissioner Hall: What is that near, I can't tell from here.

Craig Minor: This is Cedar Street.

Commissioner Aieta: So that is Wells Road.

Commissioner Camillo: It's the old restaurant up there.

Commissioner Aieta: No, no, that's the, the restaurant is Gallichio's property, this is not Gallichio's property.

Commissioner Anest: Is that behind that?

Craig Minor: The property belongs to a family that has owned it for many years. For many generations, in fact, the whole family was there, all twenty-three of them.

Commissioner Hall: Turgeon, I think is the name.

Craig Minor: Yes, that's right, that's the family that owns it, and they are trying to sell it, so it can be developed.

Commissioner Hall: They have been for years.

Craig Minor: So I was relieved to hear their Town Planner state that there will be meetings between the two towns before an application is filed, this was a pre-application presentation, so I was gratified to hear that.

Commissioner Aieta: Yeah, because that affects the pieces in Newington. So he needs to get, for him to use this property, he has to buy some property from the Turgeon family so he can get access to his landlocked piece.

Craig Minor: It is the Turgeon family. He doesn't own it yet, he has an option on it.

Commissioner Hall: It's not the Gallichio piece.

Commissioner Aieta: So for him to get to, so he's buying the whole piece from them I guess.

Craig Minor: Yes, exactly.

Commissioner Hall: They would have to have some kind of right of way I would think.

Craig Minor: Well, he'll have to purchase, and I'm sure he has an option on it now, this sliver in Newington.

Commissioner Aieta: That's the Gallichio piece.

Commissioner Hall: I don't think.....

Commissioner Aieta: Yes it is. Yes it is, that's the Gallichio piece. That piece there is the ramp, you go down the ramp, that's that piece there.

Commissioner Hall: It's wet too.

Commissioner Aieta: Yeah, it's not a great piece of property. We will want to see that one I think.

Commissioner Hall: He wants to put residential on this?

Craig Minor: Yes, apartments, town houses.

Commissioner Hall: He's back to that plan.

Craig Minor: I believe he said roughly fifty units, something like that.

Commissioner Aieta: Okay, we want to have our shot at that one.

Craig Minor: And I have asked CCROG to help me with this, because I've never reviewed a project that was in different towns before. I asked Ed Meehan about it, and Ed said, oh yeah, I remember that project, so apparently Pat has been working on this for a long time.

Commissioner Hall: This has been going on for a long, long time.

Craig Minor: And then the third item was the medical marijuana, but in their case they decided to put it on the back burner because the individual who was interested in doing this in Wethersfield has moved on, and no longer is, so they don't have anyone that is interested, so they shelved it for the time being.

Before we go on, I do want to report on my bond project. Just to fill you in on my progress, or lack thereof. Project number two, Niro Landscaping, 46 Commerce Court, I called them yesterday and left a message for them to call me back and let me know what the progress is here.

The Sports Bar, I called the owner and told him that the Commission had said no, we're not interested in a presentation, we just want you to execute the plan and you are supposed to. Well, that led to a very long and animated discussion, the upshot is I suggested to him, then what you probably want to do then is to come back to the Commission for a site plan modification. Reduce, on paper the amount of parking if you feel that, back in the day when the Commission approved your project, the Commission required more parking than you really need, then come back and make that case. He feels that he was required to provide too much parking for his volleyball court and play area. My hunch is, the Commission and Ed came up with a best guess on how much parking would be required for that kind of use, because it's not a garden variety use, and apparently Mr. Gallichio feels that the requirement was much more than he really needs. Okay, fine, let's have that discussion, let's have a revised plan and if you can make the case, and the Commission agrees to reduce the amount of parking that you need to provide, then we can release the bond, because he has that much parking. So, we'll see how that goes.

The next one, Global Granite, I called them today and left a message because there was no one there, asked to speak to someone about this incomplete project from 2008.

LA Fitness I haven't done anything on since inspecting it last month. The last thing, I contacted them is the 95 Waverly Drive, the homeowners, I tried to call them today, but they have an unlisted number, so I sent them another letter today asking them, so have you talked to your neighbor, have you come up with a solution? That's my progress on these long outstanding performance bonds since last time.

XI. COMMUNICATIONS

None

XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to two minutes)

None

XIII. REMARKS BY COMMISSIONERS

None

XIV. CLOSING REMARKS BY THE CHAIRMAN

None

XV. ADJOURNMENT

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary